

COMMERCIAL AIR TOUR VOLUNTARY AGREEMENTS

FREQUENTLY ASKED QUESTIONS

What is a commercial air tour operation? A commercial air tour operation is any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing. When flying over a national park unit, special regulations apply. An air tour over a national park unit is defined as being within ½-mile outside the boundary of a unit of the national park system, or over tribal lands adjacent to a park unit, during which the aircraft flies: a) at or below a minimum altitude of 5,000 feet above ground level (except for the purposes of takeoff or landing, or as necessary for the safe operation of the aircraft in accordance with Federal Aviation Administration [FAA] regulations); or b) less than 1 mile laterally from any geographic feature within the park (unless more than ½-mile outside the boundary).

Does the National Park Service regulate or permit flights over National Park Service units?

The FAA has sole authority to control the airspace over National Park Service (NPS) units. However, the NPS works closely with the FAA to help protect the natural and cultural resources of NPS units. The National Parks Air Tour Management Act of 2000 (NPATMA) guides the FAA and NPS on the roles and responsibilities each agency has in managing air tours over NPS units.

What is the National Parks Air Tour Management Act of 2000?

Congress passed the NPATMA on April 5, 2000 to regulate commercial air tour operations for each unit of the National Park System, or abutting tribal land, where such operations occur or are proposed. Congress passed NPATMA primarily because of concerns that noise from air tours over national parks could impair visitors' experiences and park resources. In accordance with NPATMA, existing operators were granted interim operating authority (IOA) by the FAA to allow them to conduct air tours (not to exceed IOA) until an air tour management plan (ATMP) or a voluntary agreement (VA) is developed. IOA does not specify routes or operating conditions other than the number of annual flights.

What does NPATMA apply to?

- Air tours within ½ mile of a park boundary
- Flights over tribal lands within or abutting a park
- Flights at 5,000 feet altitude or less (AGL)
- Excludes flights over Grand Canyon National Park and Alaska park units

What does it mean and which parks are affected? NPATMA (and subsequent amendments) requires the FAA and the NPS to develop ATMPs or VAs for all parks where air tour operators apply to conduct tours. The law does not apply to general aviation or commercial airline aircraft.

What is the difference between an ATMP and a VA?

- **Air Tour Management Plan:** The objective of an ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands. A plan may establish conditions for the conduct of commercial air tours, such as routes, altitudes, time of day restrictions, and/or a maximum number of flights for a given period; or may prohibit commercial air tours over a park in whole or in part. An ATMP is developed through a public process in accordance with the National Environmental Policy Act (NEPA).
- **Voluntary Agreement:** An agreement is an alternative to an ATMP and is voluntarily entered into by each air tour operator, FAA, and NPS for a given NPS unit. An agreement must address the management issues necessary to protect the resources and visitor use of each park unit without compromising aviation safety or the air traffic control system. The contents of an agreement are similar to an ATMP in that it may establish conditions for the conduct of commercial air tours, such as routes, altitudes, time of day restrictions, and/or a maximum number of flights for a given period of time. FAA and NPS must provide an opportunity for public review of the proposed agreement and conduct tribal consultation as required. After public review and tribal consultation, a VA may be implemented without a NEPA process.

Are there currently air tours over parks being managed by ATMPs or VAs? Yes. VAs that ensure the protection of natural and cultural resources and visitor use for Big Cypress National Preserve and Biscayne National Park were signed in 2016. No ATMPs have been completed to date.

What environmental review has been done for the development of the Voluntary Agreements? An environmental review to consider the impacts of air tours to resources and visitor experience at Big Cypress and Biscayne was conducted as part of the voluntary agreement development process. This review included discussions with NPS staff and focused attention on noise and/or culturally sensitive areas. Noise modeling was conducted and results reviewed to ensure that management objectives for Big Cypress and Biscayne would continue to be met. As a result of this environmental review, modifications to current air tour routes were made to further avoid impacting sensitive resources. Discussions were held with the air tour operators to confirm route modifications. Additionally, Section 3.1 of these VAs identifies management issues specific to each park unit, such as sensitive habitat, visitor use areas, cultural resources, wilderness, or private property restrictions.

How will the NPS and FAA enforce the Voluntary Agreements? Compliance with the agreements is accomplished through ongoing communication between the parties to the agreements (FAA, NPS, and air tour operators). The local NPS staff and the existing operators already have a working relationship, and we expect to have the same type of cooperative relationships working within any new VAs. There are standard procedures in place for the FAA to address any issues of non-compliance. These VAs will be included in the air tour operators' operating specifications issued and enforced by the FAA.

Are there currently air tours over parks without an ATMP or VA? Yes. In accordance with NPATMA, existing operators were granted IOA by the FAA to allow them to conduct air tours (not to exceed IOA) until an ATMP or VA is developed (excluding Grand Canyon and Alaska). There are 81 park units where air tour operators have IOA to conduct commercial air tours. However, 54 parks are exempt from the requirement to prepare an ATMP or VA because 50 or fewer tours are conducted annually. According to the 2015 reporting data, there were 75,285 commercial air tours over 49 different NPS units (excluding Grand Canyon and Alaska).

Do Voluntary Agreements apply to other aircraft flying over NPS units? The VAs would only apply to the operators that are party to the agreements. General aviation, commercial airlines, military overflights, and air tour operators conducting air tours more than ½ mile outside the NPS unit boundary operate under FAA regulations and are not subject to NPATMA requirements.

Can air tours be audible from the ground? Whether a visitor on the ground will hear an air tour aircraft depends on a number of factors including proximity to the aircraft flight path and other sources of noise, the time of day, and the surrounding landscape. Visitors near an aircraft's flight path are more likely to hear the aircraft as it passes overhead. However, other noise sources, such as vehicles, people, wildlife, wind, and precipitation, can mask the sound of an aircraft. Trees, buildings, and terrain between the noise source and the visitor may also have an effect. Noise modeling can be conducted to evaluate all routes and altitudes for ground audibility.

Are air tours considered a concession at the Park? Air tours are not an NPS concession or park-sponsored activity. Air tours are provided by nonaffiliated operators.

Are the air tour companies paying fees to the NPS? NPATMA does allow for agreements to provide for fees for such operations. While fees are not included in the agreements for Biscayne and Big Cypress, they may be included in future agreements at Biscayne or Big Cypress or at other NPS units. Other legislation does require fees to be paid to park units once the number of air tours reach a specified level. Currently, only three parks collect fees from operators: Grand Canyon National Park, Haleakala National Park, and Hawaii Volcanoes National Park.